

Appl. No.: 10/631,227  
Amendment dated January 20, 2005  
Reply to Office Action of October 21, 2004

**REMARKS/ARGUMENTS**

Applicants have received the Office Action mailed October 21, 2004, and note with appreciation the indication that Claims 9, 13, 19 and 21 contain allowable subject matter. Reconsideration of the remaining claims is respectfully requested in view of the above amendments and the remarks below.

**Objections**

The Examiner objected to Claim 21 because, in paragraph (c) line 2 the word "claim" was inadvertently used in place of the word "clamp". Claim 21 has been amended herein to correct this error. Claims 9, 13 and 19 were objected to as being dependent from rejected base claims but were indicated as being allowable if re written in independent form. Claims 9, 13 and 19 have been rewritten in independent form as new Claims 22, 23 and 24 respectively.

**Rejections under 35 U.S.C. §102**

The Examiner has rejected Claims 1 and 3-8 under 35 U.S.C. §102(b) as being anticipated by Turnover Ball Gooseneck Hitch Model 1062R (hereinafter "the Turnover Ball Hitch"). Claim 1 has been amended herein to include a pin member rigidly connected to the side plate and cantilevered outwardly therefrom which is receivable in a preformed aperture of a frame member of the vehicle chassis. The Turnover Ball Hitch includes no such pin member and it is, therefore, believed that Claim 1 (as amended) is distinguishable from the Turnover Ball Hitch. Claims 3-8 depend from Claim 1 and therefore include the same limitation by reference

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and are therefore also distinguishable from the Turnover Ball Hitch. Applicant also respectfully asserts that the amended claims are also distinguishable over the Turnover Ball Hitch in view of Putnam, U.S. Patent No. 6,409,202, for the reasons stated below.

### **Rejections under 35 U.S.C. §103**

The Examiner has rejected Claims 2, 10-12, 14-18 and 20 under 35 U.S.C. §103 as being unpatentable over the Turnover Ball Hitch in view of Putnam, U.S. Patent No. 6,409,202.

Putnam '202 discloses a hitch having a side plate secured to the vehicle frame member 104 by bolts 42 which the Examiner equates to the pin members of the claimed invention. The frame member 104 is shown as being a channel having top and bottom flanges connected by a web. The bolts 42 are each received in a hole in the web of the frame member 104 and through a corresponding hole in the side plate 20 or 22. Each bolt 42 receives a nut which is tightened against the web of the frame member 104.

Contrary to the Examiner's assertion that hydroformed frame members are structurally equivalent to the channel frame members shown in Putnam '202, hydroformed frames are tubular in design and generally have relatively thin walls. When mounting a hitch to a vehicle with a hydroformed frame, it is not desirable to tighten a nut and bolt across opposed walls of the tubular frame member, as doing so may deform or even collapse the frame member (see Paragraph [0006] of the present application for an explanation of the problem). Also, vehicle warranties often prohibit the drilling of additional holes in the frame members, therefore existing or preformed holes must be used. These preformed holes typically only extend through a single

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wall of the tube, thereby making it impossible to insert a bolt into the hole and install a nut on the bolt. In order to avoid the potential for damaging the frame members by crushing or by drilling additional holes, the present invention uses pin members 59 in place of the bolts used in prior art hitches such as the one taught by Putnam '202. The pin members 59 are rigidly attached to the side plates of the hitch (or to a pin bracket which forms a part of the respective side plate) and extend outwardly therefrom. Because the pin members are rigidly connected to the side plates, no nut is required on the opposite side of the frame member to complete the installation and therefore no destructive compressive forces are applied to the walls of the frame members.

Independent Claims 1, 10 and 15 of the present application have each been amended herein to require that at least one pin member be *rigidly* connected to the hitch base (or to a side plate connected to the hitch base) and to be receivable within a preformed hole in the frame respective frame member. The bolts 42 of Putnam '202 are not rigidly connected to the hitch base 14, but instead are removably received in the holes in the side plates 20 and 22. Because the bolts 42 are not rigidly connected to the side plates, a nut must be used to fix them in place.

Because neither the Turnover Ball Hitch nor Putnam '202 teaches or suggests pin members which are rigidly connected to the hitch base and extend outwardly therefrom to be receivable in preformed holes in the frame members, it is respectfully submitted that the claims as amended are not obvious over the combination of references.

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### Conclusion

Applicants have considered the additional prior art cited by the Examiner, but not applied against the claims. The claims, as amended, are deemed to be patentable over these references as well.

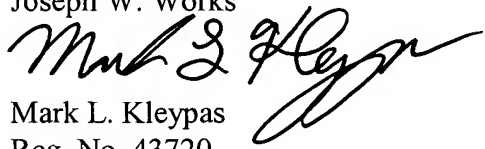
In view of the amendments contained herein and the above remarks, it is respectfully submitted that Claims 1, 3-13 and 15-24 are clear and definite and that they are patentable over the prior art of record. Accordingly, the Examiner is requested to issue a Notice of Allowance indicating such.

In the event that the Examiner is of the opinion that the prosecution of this application can be advanced thereby, he is invited to contact Applicant's attorney at the telephone number listed below.

Respectfully submitted,

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